



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Anu Natarajan, Vice Mayor  
Bob Wieckowski  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Daren Fields, Economic Dev. Director  
Mary Kaye Fisher, Interim Human Resources Dir.  
Annabell Holland, Parks & Recreation Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**MARCH 24, 2009**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting of March 3, 2009, March 10, 2009  
and the Special Meeting of March 10, 2009.*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning  
Property Located at 3651 Walnut Avenue from Planned District P-2005-256 to  
Planned District P-2009-9*
- 2.4 *MAINTENANCE CENTER SWALE RECONSTRUCTION  
Award Contract for Reconstruction of City Maintenance Center Swale at 42539  
Osgood Road, City Project No. 8656 (PWC)*

*Contact Person:*

|                |                              |                              |
|----------------|------------------------------|------------------------------|
| <i>Name:</i>   | <i>Edward Nakayama</i>       | <i>Norm Hughes</i>           |
| <i>Title:</i>  | <i>Engineer II (Civil)</i>   | <i>City Engineer</i>         |
| <i>Dept.:</i>  | <i>Community Development</i> | <i>Community Development</i> |
| <i>Phone:</i>  | <i>510-494-4775</i>          | <i>510-494-4748</i>          |
| <i>E-Mail:</i> | <i>enakayama@fremont.gov</i> | <i>nhughes@fremont.gov</i>   |

**RECOMMENDATIONS:**

1. *Approve the plans and specifications for Maintenance Center Swale Reconstruction, 8656 (PWC).*
2. *Accept the bid and award the construction contract for Maintenance Center Swale Reconstruction, 8656 (PWC), to the lowest responsible bidder, Guerra Construction Group, in the amount of \$97,492.00 and authorize the City Manager or designee to execute the contract.*

**2.5 FINAL DESIGN AGREEMENT AMENDMENT FOR I-880/MISSION BOULEVARD INTERCHANGE PROJECT COMPLETION**

*Approval of Amendment #2 to the Final Design Agreement with ACTA and VTA Regarding the I-880/Mission Boulevard Interchange Project Completion Phases*

**Contact Person:**

*Name: Jim Pierson  
Title: Director  
Dept.: Transportation & Operations  
Phone: 510-494-4722  
E-Mail: jpierson@fremont.gov*

*RECOMMENDATION: Authorize the City Manager or his designee to execute Amendment #2 to the Cooperative Funding Agreement between the Alameda County Transportation Authority and the City of Fremont and the Santa Clara Valley Transportation Authority for the Final Design Phase of the Mission Boulevard (Route 262)/Warren Avenue/Freight Railroad Relocation Program, increasing the final design cost and the City's funding commitment as described herein, and modifying the Agreement termination date to December 31, 2009.*

**2.6 ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES CONTRACT AMENDMENT**

*Authorize the City Manager or Designee to Execute a Contract Amendment with Alameda County Behavioral Health Care Services for Reimbursement of Mental Health Services Funded Through Early Periodic Screening Diagnosis and Treatment (EPSDT)*

**Contact Person:**

|                |                                      |                              |
|----------------|--------------------------------------|------------------------------|
| <i>Name:</i>   | <i>Iris Preece</i>                   | <i>Suzanne Shenfil</i>       |
| <i>Title:</i>  | <i>Family Services Administrator</i> | <i>Director</i>              |
| <i>Dept.:</i>  | <i>Human Services</i>                | <i>Human Services</i>        |
| <i>Phone:</i>  | <i>510-574-2128</i>                  | <i>510-574-2051</i>          |
| <i>E-Mail:</i> | <i>ipreece@fremont.gov</i>           | <i>sshensfil@fremont.gov</i> |

*RECOMMENDATION: Authorize the City Manager or his designee to execute a contract amendment with Alameda County Behavioral Health Care Services for reimbursement of mental health services funded through EPSDT, in the amount of \$213,678, for a total contract amount of \$723,427 and appropriate an additional \$213,678 to account 1705347.*

2.7 *AFG RADIO INTEROPERABILITY GRANT*

*Approve Acceptance of a Share of a Regional Assistance to Firefighters Grant (AFG) in the Amount of \$164,840.92 to Purchase Fire Department Radios with a City Contribution of \$41,210.22 as a 20% Match and Authorize the City Manager to Execute the Documents Necessary to Accept the Grant and Purchase the Radios*

*Contact Person:*

|                |                              |                            |
|----------------|------------------------------|----------------------------|
| <i>Name:</i>   | <i>Kelly Sessions</i>        | <i>Bruce Martin</i>        |
| <i>Title:</i>  | <i>Business Manager</i>      | <i>Fire Chief</i>          |
| <i>Dept.:</i>  | <i>Fire</i>                  | <i>Fire</i>                |
| <i>Phone:</i>  | <i>510-494-4281</i>          | <i>510-494-4200</i>        |
| <i>E-Mail:</i> | <i>ksessions@fremont.gov</i> | <i>bmartin@fremont.gov</i> |

*RECOMMENDATION:*

- 1. Approve acceptance of a share of a regional Assistance to Firefighters Grant in the amount of \$164,840.92 to purchase Fire Department radios with a City contribution of \$41,210.22 as a 20% match.*
- 2. Authorize the City Manager to execute documents necessary to accept the grant.*
- 3. Appropriate \$164,840.92 to the Miscellaneous Federal Grant Fund (Fund 199).*

2.8 *GENERAL VACATION OF RAILROAD AVENUE (PLN2009-00033)*

*Continuation of Public Hearing (Published Notice) to Consider a General Vacation to Abandon Railroad Avenue at the Terminus of Main and High Streets and East of the Former Union Pacific Railroad Tracks in the Irvington Planning Area*

*Contact Person:*

|                |                                |                              |
|----------------|--------------------------------|------------------------------|
| <i>Name:</i>   | <i>Susan H. Summerford</i>     | <i>Jeff Schwob</i>           |
| <i>Title:</i>  | <i>Planner II</i>              | <i>Planning Director</i>     |
| <i>Dept.:</i>  | <i>Community Development</i>   | <i>Community Development</i> |
| <i>Phone:</i>  | <i>510-494-4542</i>            | <i>510-494-4527</i>          |
| <i>E-Mail:</i> | <i>ssummerford@fremont.gov</i> | <i>jschwob@fremont.gov</i>   |

*RECOMMENDATION: Direct the City Clerk to postpone action on proposed vacation of Railroad Avenue at the terminus of Main and High Streets and east of the former UPRR tracks. The item will be then be re-initiated for consideration once the utility easements to be reserved from the vacation are determined.*

2.9 *ANNUAL REPORT ON THE GENERAL PLAN AND HOUSING ELEMENT (PLN2009-00165)*

*Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Housing Element Implementation*

*Contact Person:*

|                |                              |                              |
|----------------|------------------------------|------------------------------|
| <i>Name:</i>   | <i>Momo Ishijima</i>         | <i>Jeff Schwob</i>           |
| <i>Title:</i>  | <i>Associate Planner</i>     | <i>Planning Director</i>     |
| <i>Dept.:</i>  | <i>Community Development</i> | <i>Community Development</i> |
| <i>Phone:</i>  | <i>510-494-4531</i>          | <i>510-494-4427</i>          |
| <i>E-Mail:</i> | <i>mishijima@fremont.gov</i> | <i>jschwob@fremont.gov</i>   |

**RECOMMENDATIONS:**

1. *Hold public hearing.*
2. *Find the Annual Report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).*
3. *Find that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element.*
4. *Receive presentation on housing policy issues and provide feedback to staff for use in drafting the updated General Plan.*

**2.10 MOWRY GROUP PLANNED DISTRICT REZONING-5339 MOWRY AVENUE (PLN2009-00156)**

*Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Rezone 5339 Mowry Avenue from C-T, Thoroughfare Commercial, to Planned District, P-2009-156, and Adopt a Precise Plan to Permit Certain Specified Uses Within a Recently Constructed 10,800 Square Foot Retail Building*

**Contact Person:**

|                |                       |                       |
|----------------|-----------------------|-----------------------|
| <b>Name:</b>   | Clifford Nguyen       | Jeff Schwob           |
| <b>Title:</b>  | Associate Planner     | Planning Director     |
| <b>Dept.:</b>  | Community Development | Community Development |
| <b>Phone:</b>  | 510-494-4769          | 510-494-4527          |
| <b>E-Mail:</b> | cnguyen@fremont.gov   | jschwob@fremont.gov   |

**RECOMMENDATIONS:**

1. *Hold public hearing.*
2. *Find that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) per the California Environmental Quality Act (CEQA) Guideline Section 15061(b)3, no potential effect, in that approval of the planned district to permit certain specified uses would not cause a significant effect on the environment, cumulative or otherwise, and this action reflects the independent judgment of the City.*
3. *Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use chapter as enumerated within the staff report.*
4. *Find the rezoning from C-T, Thoroughfare Commercial, to Planned District, P-2009-156, to permit certain specified uses within a recently constructed 10,800 square foot commercial building, in conformance with Exhibit “A” (Planned District Rezoning Exhibit), Exhibit “B” (Findings and Conditions of Approval), and Exhibit “C” (Planned District Precise Site Plan).*
5. *Waive full reading and introduce an Ordinance rezoning the subject property from C-T, Thoroughfare Commercial, to Planned District P-2009-156, in conformance with Exhibit “A” and adopting Exhibit “C” together with the findings are conditions contained in Exhibit “B” as the Precise Plan for P-*

2009-156.

6. *Direct staff to prepare and the City Clerk to publish a summary of the above Ordinance.*

**2.11 LOCAL BUSINESS PREFERENCE FOR CITY PURCHASES – AMENDING SECTION 2-9404 OF THE FREMONT MUNICIPAL CODE**

*Introduce an Ordinance Amending Section 2-9404 of the Fremont Municipal Code to Increase the Local Business Preference from Two and One-half Percent (2.5%) to Five Percent (5%) on Purchases of Personal Property Over \$25,000 With a Limit of \$10,000 on the Amount of the Preference until December 31, 2010*

**Contact Person:**

|                |                             |                             |
|----------------|-----------------------------|-----------------------------|
| <b>Name:</b>   | <i>Daren Fields</i>         | <i>Harriet Commons</i>      |
| <b>Title:</b>  | <i>Director</i>             | <i>Director</i>             |
| <b>Dept.:</b>  | <i>Economic Development</i> | <i>Finance</i>              |
| <b>Phone:</b>  | <i>510-284-4020</i>         | <i>510-284-4010</i>         |
| <b>E-Mail:</b> | <i>dfields@fremont.gov</i>  | <i>hcommons@fremont.gov</i> |

**RECOMMENDATIONS:**

1. *Hold Public Hearing.*
2. *Waive full reading and introduce an ordinance amending Section 2-9404 of the Fremont Municipal Code to increase the local business preference for purchases from two and one-half percent (2.5%) to five percent (5%) for purchases of personal property over \$25,000 with a limit of \$10,000 on the amount of the preference as set forth in Attachment A, until December 31, 2010, after which the local business preference will revert to its existing amount of two and one-half percent (2.5%) for purchases of personal property over \$25,000 with a limit of \$5,000 on the amount of the preference.*

**2.12 FREMONT JAIL BOOKING FEE AND JAIL ACCESS FEE EFFECTIVE JULY 1, 2008**

*Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies Effective July 1, 2008*

**Contact Person:**

|                |                            |                              |
|----------------|----------------------------|------------------------------|
| <b>Name:</b>   | <i>Richard Lucero</i>      | <i>Craig T. Steckler</i>     |
| <b>Title:</b>  | <i>Police Captain</i>      | <i>Chief of Police</i>       |
| <b>Dept.:</b>  | <i>Police Department</i>   | <i>Police Department</i>     |
| <b>Phone:</b>  | <i>510-790-6818</i>        | <i>510-790-6810</i>          |
| <b>E-Mail:</b> | <i>rlucero@fremont.gov</i> | <i>csteckler@fremont.gov</i> |

**RECOMMENDATION:** *Continue to April 7, 2009 and direct the City Clerk to republish the appropriate public hearing notice.*

**3. CEREMONIAL ITEMS – None.**

#### **4. PUBLIC COMMUNICATIONS**

##### **4.1 Oral and Written Communications**

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

#### **5. SCHEDULED ITEMS – None.**

#### **6. REPORT FROM CITY ATTORNEY**

##### **6.1 Report Out from Closed Session of Any Final Action**

#### **7. OTHER BUSINESS**

- 7.1 AMENDMENT TO VOLUNTARY CLEANUP AGREEMENT WITH DEPARTMENT OF TOXIC SUBSTANCE CONTROL FOR THE WASHINGTON BOULEVARD / PASEO PADRE PARKWAY GRADE SEPARATION PROJECT**  
Amendment to Voluntary Cleanup Agreement with Department of Toxic Substance Control for Remediation of the Abandoned Union Pacific Railroad Corridor from 500 feet North of Paseo Padre Parkway to 100 feet South of Washington Boulevard for a Cost of \$126,354

**Contact Person:**

|                |                             |                             |
|----------------|-----------------------------|-----------------------------|
| <b>Name:</b>   | Afshin Abtahi               | Jim Pierson                 |
| <b>Title:</b>  | Project Manager             | Director                    |
| <b>Dept.:</b>  | Transportation & Operations | Transportation & Operations |
| <b>Phone:</b>  | 510-494-4724                | 510-494-4722                |
| <b>E-Mail:</b> | aabtahi@fremont.gov         | jpierson@fremont.gov        |

**RECOMMENDATION:** Authorize the City Manager or his designee to execute the Amendment to the Voluntary Cleanup Agreement with DTSC to increase the reimbursement by \$70,134, for a new total reimbursement amount of \$126,354. Additionally, authorize the City Manager or his designee to approve and sign future amendments to the Agreement to increase the reimbursement up to an additional \$20,000, if needed, to cover future unforeseen changes.



7.2 AUTHORITY TO SUBMIT PROPOSALS FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING

Authorize City Manager or Designee to Submit Proposals for Federal Funding Under the American Recovery and Reinvestment Act of 2009

Contact Person:

|         |                       |                        |
|---------|-----------------------|------------------------|
| Name:   | Maya Williams         | Melissa Stevenson Dile |
| Title:  | Management Analyst    | Deputy City Manager    |
| Dept.:  | City Manager's Office | City Manager's Office  |
| Phone:  | 510-284-4013          | 510-284-4005           |
| E-Mail: | mwilliams@fremont.gov | mdile@fremont.gov      |

RECOMMENDATIONS:

1. Authorize City Manager or designee to submit proposals or complete other applications, as appropriate, to secure federal funding from the following sources identified in the American Recovery and Reinvestment Act of 2009; Community Development Block Grant, Neighborhood Stabilization Program, Homelessness Prevention, Highway Infrastructure, Community Oriented Policing Services (COPS), Byrne JAG-Formula, Assistance to Firefighters Grants, and Energy Efficiency and Conservative Block Grants.
2. Direct staff to report on ARRA funding availability as funding guidelines are developed.

7.3 CAPITOL AVENUE PROJECT STATUS REPORT AND NEXT STEPS

Presentation by TMG Partners and Field Paoli Architects on the Status of the Capitol Avenue Project, and Discussion by Councilmembers of Project Elements, Proposed Expansion of Project Area, and Next Steps

Contact Person:

|         |                      |                       |
|---------|----------------------|-----------------------|
| Name:   | Daren Fields         | Jill Keimach          |
| Title:  | Director             | Director              |
| Dept.:  | Economic Development | Community Development |
| Phone:  | 510-284-4020         | 510-494-4767          |
| E-Mail: | dfields@fremont.gov  | jkeimach@fremont.gov  |

RECOMMENDATIONS:

1. Provide comments and direction to staff on the overall concept and proposed direction of TMG Partners and staff.
2. Provide direction to staff on possible next steps beginning with the planning and entitlement process for the Midtown District including, but not limited to, the development of a Specific Plan (including land uses, form-based zoning codes as well as urban design) and Environmental Impact Report, Streetscape Plan, Public Infrastructure and Utilities Plan, Parking Plan, and Transit Plan. These Plans would be conducted by City staff and consultants in cooperation with our development partner TMG Partners.

**8. COUNCIL COMMUNICATIONS**

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

**9. ADJOURNMENT**



REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

MARCH 24, 2009



**\*2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at 3651 Walnut Avenue from Planned District P-2005-256 to Planned District P-2009-9**

**ENCLOSURE:** Draft Ordinance

**RECOMMENDATION:** Adopt ordinance.

**\*2.4 MAINTENANCE CENTER SWALE RECONSTRUCTION**

**Award Contract for Reconstruction of City Maintenance Center Swale at 42539 Osgood Road, City Project No. 8656 (PWC)**

**Contact Person:**

|         |                       |                       |
|---------|-----------------------|-----------------------|
| Name:   | Edward Nakayama       | Norm Hughes           |
| Title:  | Engineer II (Civil)   | City Engineer         |
| Dept.:  | Community Development | Community Development |
| Phone:  | 510-494-4775          | 510-494-4748          |
| E-Mail: | enakayama@fremont.gov | nhughes@fremont.gov   |

**Executive Summary:** This item recommends that the City Council approve the plans and specifications, accept the bid, and award the contract for construction of the Maintenance Center Swale Reconstruction, City Project No. 8656 (PWC), to Guerra Construction Group in the amount of \$97,492.00.

**BACKGROUND:** On June 5, 2007, City Council approved the Maintenance Center Swale Reconstruction as part of the Capital Improvement Program. The existing drainage swale does not adequately drain all rainwater from the City's Maintenance Center site, suffers from a weed infestation problem, and requires new landscaping. The purpose of adding this project to the CIP was to address these problems. The project is designed to reconstruct two vegetated swales located along the western side of the Maintenance Center to current City standards.

**Discussion:**

**Bid Results:** Staff opened bids on February 19, 2009. Bids were received, as follows:

| <b><u>BIDDER</u></b>                                 | <b><u>TOTAL BID</u></b> | <b><u>RANK</u></b> |
|--|-------------------------|--------------------|
| Guerra Construction Group                            | \$97,492.00             | 1                  |
| A1 Septic Construction                               | 127,690.00              | 2                  |
| Increte West, Inc.                                   | 131,719.42*             | 3                  |
| Suarez & Munoz Construction, Inc.                    | 134,625.00              | 4                  |
| Rodan Builders, Inc.                                 | 139,950.00              | 5                  |
| Fanfa, Inc.  | 153,389.00              | 6                  |
| Sposeto Engineering, Inc.                            | 155,534.00*             | 7                  |
| Casey Construction, Inc.                             | 157,304.00              | 8                  |
| Bellicitti & Pellicciotti Construction Company, Inc. | 158,850.00*             | 9                  |
| Tri-Valley Excavating Co., Inc.                      | 162,275.00              | 10                 |

|                                    |              |    |
|------------------------------------|--------------|----|
| B & B Landscape Contractors, Inc.  | 163,245.00   | 11 |
| Stevens Creek Quarry, Inc.         | 164,290.00   | 12 |
| Thunder Mountain Enterprises, Inc. | 164,355.00   | 13 |
| Granite Rock Company               | 165,350.00   | 14 |
| Robert A. Bothman, Inc.            | 165,376.00   | 15 |
| Engineered Soil Repairs, Inc.      | 165,377.00*  | 16 |
| Bay Construction Company           | 172,754.00   | 17 |
| Granite Construction Company       | 179,861.60   | 18 |
| Kingdom Pipelines, Inc.            | 183,915.00   | 19 |
| George Bianchi Construction, Inc.  | 204,195.00   | 20 |
| Engineer's Estimate                | \$193,000.00 |    |

\* mathematically corrected bid

The low monetary bidder, Guerra Construction Group, is a responsive and responsible bidder and all documents are in order. The contractor is experienced in this type of work and has satisfactorily completed contracts of similar nature with other local agencies.

### **Project Costs and Funding:**

#### **Estimated Project Costs:**

|   |                     |
|---|---------------------|
| Surveying Staff costs                                   | \$8,500.00          |
| Landscape Design Staff costs                            | \$9,000.00          |
| Engineering Design & Project Administration Staff costs | \$45,000.00         |
| Construction Contract (Guerra Construction Group)       | \$97,492.00         |
| (includes \$18,000 in construction contingency)         |                     |
| Estimated Construction Administration and Inspection    | \$30,000.00         |
| Project Contingency                                     | <u>\$23,000.00</u>  |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                    | <b>\$213,492.00</b> |

#### **Source of Funding:**

|                                      |                      |
|--------------------------------------|----------------------|
| 123 Urban Runoff Clean Water Program | <u>\$ 280,000.00</u> |
| <b>TOTAL FUNDS AVAILABLE</b>         | <b>\$ 280,000.00</b> |

Based on the contract amounts and project cost estimates, there are sufficient funds budgeted for this project.

**Maintenance Impacts:** The estimated increase in the annual cost of maintenance for labor and materials for the landscape as a result of this project is \$1,400.

**Environmental Impact:** This project is categorically exempt under Section 15301 of the California Environmental Quality Act because the project is a minor alteration to an existing public facility.

**ENCLOSURE:** None

**RECOMMENDATIONS:**

1. Approve the plans and specifications for Maintenance Center Swale Reconstruction, 8656 (PWC).
2. Accept the bid and award the construction contract for Maintenance Center Swale Reconstruction, 8656 (PWC), to the lowest responsible bidder, Guerra Construction Group, in the amount of \$97,492.00 and authorize the City Manager or designee to execute the contract.



**\*2.5 FINAL DESIGN AGREEMENT AMENDMENT FOR I-880/MISSION BOULEVARD INTERCHANGE PROJECT COMPLETION**

**Approval of Amendment #2 to the Final Design Agreement with ACTA and VTA Regarding the I-880/Mission Boulevard Interchange Project Completion Phases**

**Contact Person:**

Name: Jim Pierson  
Title: Director  
Dept.: Transportation & Operations  
Phone: 510-494-4722  
E-Mail: jpierson@fremont.gov

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**Executive Summary:** Over 65% of the final design phase has been completed on the I-880/Mission Boulevard Interchange completion phase. The completion phase includes the Mission Boulevard widening and ramps to Kato Road, the Warren Avenue grade separation, and reconstruction of the truck-to-rail transfer facility south of Warren Avenue. This phase of work is now known as the Mission/Warren/Truck-Rail, or “MWT” Program.

As part of the final design work to date, VTA has received updated cost estimates for the MWT Program. The total program cost has increased from \$120,370,000 to \$152,522,000. The funding has also been increased to cover this added cost, and the staffs from VTA, ACTA, Caltrans and the City have developed a new staff Memorandum of Understanding (MOU), which will replace the previous staff MOU, to document the funding for the program and confirm the program is still fully funded.

In June 2007, the City executed a final design agreement with VTA and ACTA to pay the City’s share of the final design, which at that time was estimated to be \$3,941,500. Since that time, several design and scope changes have occurred to the program that have contributed to the increased program cost. As a result, the cost to complete the final design has also increased from \$9,883,000 to \$13,410,000, an increase of \$3,527,000. The increased design cost will be shared by VTA and the City, with VTA contributing \$1,961,000 and the City contributing \$1,566,000, for a new City design cost of \$5,507,500. There is sufficient funding in the City’s project budget to cover the City’s share of the revised design cost as well as all other funding commitments to the MWT Program that the City has made to date. Therefore, staff is recommending the Council authorize the City Manager or his designee to execute Amendment #2 to the Final Design Agreement with VTA and ACTA to increase the funding, and extend the Agreement termination date to December 31, 2009.

**BACKGROUND:** Construction is nearly complete on Phase 1A of the I-880/Mission Boulevard (State Route 262) Interchange Project, which includes the widening of I-880 and all of the interchange ramps at Mission Boulevard and at Warren Avenue. The remaining phases of work are currently in final design. Phase 1B includes the widening of Mission Boulevard and replacement of the ramps to and from Kato Road, and Phase 2 is the Warren Avenue Grade Separation that will lower Warren Avenue below the Union Pacific Railroad (UPRR) and future BART to San Jose tracks. Finally, the Santa Clara Valley Transportation Authority (VTA), which owns the eastern-most UPRR track and bridge, is planning to construct the BART extension to Santa Clara County through the interchange area using the eastern UPRR corridor. To do this, VTA must reconfigure UPRR’s freight tracks in the interchange area and

modify a privately operated Truck-to-Rail Transfer facility located between the two sets of UPRR tracks just south of Warren Avenue. Together, these three final elements of the I-880/Interchange Completion are known as the Mission/Warren/Truck-Rail or “MWT” Program.

All three remaining elements of the MWT Program require coordination with UPRR regarding modifications of the two sets of UPRR tracks that traverse all three elements. Therefore, these three elements must be constructed as part of a single program of projects. Staffs from the City, VTA, ACTA and Caltrans determined that having VTA be the lead agency for the MWT Program was the most efficient way to construct the three related projects. In July 2007, the staffs entered into a Memorandum of Understanding that documents the staffs’ collective understanding at that time of how the remaining three elements of the interchange project would be funded and implemented, based on the current cost estimates provided by VTA, and the available funding. The MOU calls for VTA to be the lead agency to manage the design and construction of the three remaining elements. The funding is shared by all parties, and also relies upon state and federal grants as well as \$42.35 million of state funds that could become available from the sale of excess land in the State Route 84 corridor, assuming the East-West Connector Project is approved following completion of the EIR. The staffs have recently completed a revised MOU to reflect the changes that have occurred to the project costs and funding since July 2007. These changes are summarized later in this report.

In early 2006, ACTA entered into a cost sharing agreement with VTA for the Preliminary Engineering (PE) of the MWT Program. In the Agreement, VTA committed \$1.3 million toward PE and ACTA committed \$1.3 million of ACTA funds and \$1.3 million of the funds the City had previously committed to ACTA for Phase 1B, for a total of \$3.9 million to complete the PE phase. In June 2007, the Council authorized staff to enter into an Agreement with VTA and ACTA for the final design of the MWT Program. The Final Design Agreement called for VTA to expend \$8,883,000 on the final design phase, and in addition, ACTA would directly perform final design of the Mission Boulevard widening element at a cost of \$1 million, for a total final design cost of \$9,883,000. The Agreement calls for VTA to pay for 50% of the final design cost, or \$4,941,500, ACTA to utilize \$1 million of Measure B funds to complete its design work, and the City to contribute \$3,941,500 of Redevelopment funds previously appropriated for this project. In October 2007, the Council approved Amendment #1 to the Final Design Agreement. This Amendment called for the City to advance its share of the funding on a monthly basis due to VTA legal restrictions that prohibited them from advancing any of their sales tax funds on the City’s behalf. VTA has now completed over 65 percent of the final design effort, and due to changes in the project scope and approach, requires additional funding to complete the design. This additional scope and cost is the subject of Amendment #2 to the Final Design Agreement and is summarized below.

**Discussion:** Before staff will recommend that the Council commit City funds to further work elements of the MWT Program, it works with its partner agencies to ensure the program is fully funded, even as cost estimates continue to increase. The staffs’ understanding regarding the program costs, funding and responsibilities are documented in a staff Memorandum of Understanding (MOU). As previously stated, staff entered into an MOU with Caltrans, ACTA, and VTA for the MWT Program in July 2007. Since that time, there have been a number of changes to the understandings included in that MOU. Therefore, a revised MOU has been completed as described below.

Memorandum of Understanding: Following execution of the original MWT Program MOU a number of changes have occurred, most notably, the program cost has increased from \$120,370,000 to \$152,522,000. As a result, the program funding had to be revised accordingly. The largest increase in funding came from VTA, whose contribution increased by \$22,193,000 after a more detailed review of their share of the program was completed. In addition, the Warren Avenue Grade Separation was awarded a \$9.6 million State Grade Separation Grant. Finally, the City's share increased by \$359,000, reflecting the additional savings from Phase 1A that the City is projected to receive (the Council previously committed the savings from Phase 1A to the MWT Program). The sources and amounts of funding included in the revised MOU for the MWT Program are as follows:

| <b>"Owner"</b> | <b>Funding Source</b>  | <b>Amount</b> |     |
|----------------|--|---------------|-----|
| COF            | City of Fremont RDA funds estimated savings from Phase 1A          | \$ 9,659,000  |     |
| COF            | City of Fremont RDA funds for Phase 1B and Warren Grade Separation | \$ 14,000,000 | *   |
| COF            | Federal Appropriations – Fremont-sponsored (federal earmark)       | \$ 1,250,000  |     |
| ACTA           | Federal SAFETEA LU – ACTA-sponsored (federal earmark)              | \$ 2,560,000  |     |
| ACTA           | ACTA Measure B funds   | \$ 3,500,000  | **  |
| ACTA           | 2006 STIP-RIP Augmentation – ACCMA                                 | \$ 10,000,000 |     |
| ACTA/CT        | Caltrans AB 1462 funds from Route 84 land sales                    | \$ 42,350,000 |     |
| ACTA           | Caltrans 2002 STIP remaining from Phase 1A                         | \$ 2,300,000  |     |
| VTA            | VTA funds  | \$ 57,303,000 | *** |
| COF            | CTC Prop 1B – Warren Grade Separation Grant                        | \$ 9,600,000  |     |
|                | Total  | \$152,522,000 |     |

\* Some Fremont funds have been drawn down during the PE and FE Phases

\*\* Some ACTA funds have been drawn down during PE and FE Phases

\*\*\* Some VTA funds have been drawn down during PE and FE Phases

When the City approved the State Grade Separation Grant Agreement, the Council also approved an additional \$5 million of Fund 188 (Bridge Benefit District) funding as a contingency for the City's share of any future cost overruns. This funding is not reflected in the program costs provided above since they have not been committed by the City as part of the base project funding. However, they are included in the MOU as a City contingency in case the City's share of the program increases beyond the contingency amounts included in the current project estimates. City funds are mostly committed to pay for portions of the Warren Avenue Grade Separation, but can also be used for the Mission Boulevard widening, which is Phase 1B of the I-880 Interchange Project that the City previously committed to help fund.

In addition to the changes in funding, the new MOU also provides: 1) a more detailed explanation of each party's responsibility for obtaining and managing the various grant funds to be received; 2) an explanation of the future agreements to be executed by the parties, including a Right-of-Way Acquisition Agreement, a Utility Relocation Agreement, and a Construction Agreement; and 3) a detailed explanation of how costs are split among the parties and the justification for the cost allocations.

**Final Design Amendment:** As previously mentioned, the current Final Design Agreement provides \$9,883,000 for final design. Of this amount, \$1 million of design is performed directly by ACTA and the remaining \$8,883,000 is managed by VTA. Amendment #2 to the Final Design Agreement increases the final design cost by \$3,527,000 to \$13,410,000. It similarly increases the final design funding by dividing those costs between VTA and the City (ACTA has no more Measure B funding committed to this project and all other funds attributed to ACTA are not yet available). The Amendment calls for VTA to increase its final design funding by \$1,961,000 for a new total of \$6,902,500 and the City to increase its funding by \$1,566,000 for a new total of \$5,507,500. There is sufficient funding appropriated in the City's project budget for the MWT Program (PWC 8074) to support this increase as well as all other funding commitments to the MWT Program that the City has made to date.

Final design expenses increased as a result of the following design and scope changes to the MWT Program: 1) Combining three civil construction contracts into a single construction contract package; 2) incorporating late comments from UPRR; 3) additional third-party utility design coordination; 4) additional right-of-way engineering and appraisals; and 5) a schedule extension due to delays caused while additional funding was secured for the program. In addition, due to the added cost and funding required, the Amendment extends the Agreement termination date to December 31, 2009.

The MWT Program is one of the highest priority transportation projects for the City. It will not only reduce congestion and delays on Mission Boulevard and Warren Avenue, it will also provide better access from Mission Boulevard to NUMMI and other employers in the area, eliminate train horns at Warren Avenue, and facilitate the extension of BART into Santa Clara County. Based on the future funding anticipated to be received from the various sources listed above, the MWT Program is fully funded. Therefore, staff recommends the Council authorize the City Manager or his designee to execute Amendment #2 to the Final Design Agreement for the MWT Program.

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or his designee to execute Amendment #2 to the Cooperative Funding Agreement between the Alameda County Transportation Authority and the City of Fremont and the Santa Clara Valley Transportation Authority for the Final Design Phase of the Mission Boulevard (Route 262)/Warren Avenue/Freight Railroad Relocation Program, increasing the final design cost and the City's funding commitment as described herein, and modifying the Agreement termination date to December 31, 2009.

**\*2.6 ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES CONTRACT AMENDMENT**

**Authorize the City Manager or Designee to Execute a Contract Amendment with Alameda County Behavioral Health Care Services for Reimbursement of Mental Health Services Funded Through Early Periodic Screening Diagnosis and Treatment (EPSDT)**

**Contact Person:**

|         |                               |                      |
|---------|-------------------------------|----------------------|
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**Executive Summary:** The purpose of this report is to recommend that the City Council authorize the City Manager, or his designee, to execute a contract amendment between the City and Alameda County Behavioral Health Care Services (ACBHCS) to increase the reimbursement of Early Periodic Screening Diagnosis and Treatment (EPSDT) services in the amount of \$213,678 for a total of \$723,427, and appropriate this additional funding in FY 2008/09.

**BACKGROUND:** The Youth and Family Services (YFS) Division of the Human Services Department has secured Medi-Cal reimbursement from ACBHCS for eligible mental health services provided to children and adults through its various programs since 1999-2000. The funded programs include:

- Healthy Choices School-Site Counseling Services at 20 Fremont school sites including Robertson High School, and the Newark Bridgepoint/Community Day School site;
- The Infant Toddler Program, which serves families with children who are five years old and younger;
- The Youth Service Center, which serves at risk youth and their families; and
- The Truancy Intervention Program, which serves youth who are chronically truant and their families.

This contract with ACBHCS includes services provided to children with “full-scope Medi-Cal” (i.e., complete Medi-Cal coverage) that are funded through the Early Periodic Screening Diagnosis and Treatment (EPSDT) program, which is the joint county, state, and federal Medicaid reimbursement mechanism for services provided to children. Reimbursement for services funded through EPSDT must be based on actual costs up to the maximum allowed by the State of California, which requires the development of interim reimbursement rates and a final cost settlement each year.

Demand for youth and family counseling services funded through Medi-Cal has increased dramatically in FY 2008/09. YFS provided a total of 2,401 EPSDT billable service hours during the period of July – December 2008, which is a 49% increase from of the same period for FY 2007/08. This increase in billable services is partially due to an increase in services provided by the clinical interns working at school sites. Counseling interns are supervised by licensed staff; therefore, their services are eligible for

reimbursement. The increase is also due to a general increase in the number of families now eligible for full-scope Medi-Cal services as a result of the economic downturn.

Given this increased number of billable service hours, staff projects that YFS will exceed its FY 2008/09 reimbursement cap of \$509,749. In order to ensure that the City would receive payment for all of its reimbursable services, staff asked the County to increase the current contract cap. ACBHCS has agreed to increase the contract amount by an additional \$213,678 to meet the growing demand for services and better ensure that the City is reimbursed for services provided to full-scope Medi-Cal clients.

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or his designee to execute a contract amendment with Alameda County Behavioral Health Care Services for reimbursement of mental health services funded through EPSDT, in the amount of \$213,678, for a total contract amount of \$723,427 and appropriate an additional \$213,678 to account 1705347.

**\*2.7 AFG RADIO INTEROPERABILITY GRANT**

**Approve Acceptance of a Share of a Regional Assistance to Firefighters Grant (AFG) in the Amount of \$164,840.92 to Purchase Fire Department Radios with a City Contribution of \$41,210.22 as a 20% Match and Authorize the City Manager to Execute the Documents Necessary to Accept the Grant and Purchase the Radios**

**Contact Person:**

|         |                       |                     |
|---------|-----------------------|---------------------|
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**Executive Summary:** The Fremont Fire Department is a partner with several other fire departments in Alameda County in a successful Assistance to Firefighters Grant (AFG) application from the Department of Homeland Security to purchase portable radios. Purchase of radios is already budgeted in this year's Capital Improvement Project (CIP) budget; therefore, use of the grant money means that this funding for radios will increase the City's purchasing power with this supplemental funding. In order to complete the purchase, the City must execute a memorandum of understanding with the Alameda County Fire Department and secure City Council approval because the grant and matching commitment are over \$100,000.

**BACKGROUND:** The Fremont Fire Department joined with the other five member agencies of the dispatch center consortium, the Alameda County Regional Emergency Communications Center (ACRECC), in an AFG grant application for Fire Department portable radios. City of Fremont participation in the grant will allow City communications to be in line with the latest technology and be completely compatible with current and future radio systems.

The Department and its partners were notified on March 12, 2009, of successful award of the grant. Fremont's share of the grant funding will be \$164,840.92. The grant requires a 20% match; therefore, the City's share of the cost is \$41,210.22, which is 20% of the total \$206,051.14 budget.

Funds for the radio purchase have been budgeted in the City CIP budget as part of an overall communications upgrade project involving Fire, Police and Maintenance (CIP number SP180). Acceptance and use of the grant means that the City CIP funding will go further in meeting overall City needs by supplementing the existing funding. Furthermore, the amount of radios being purchased by the grant partners has resulted in volume-discount pricing that is far greater than any discounts the City could receive if it purchases the radios on its own. The combined funds will purchase 60 portable radios, batteries and charging units, as well as pay for installation of the chargers. Staff will return to City Council for purchase approval once a vendor is identified and pricing is finalized.

The City may elect to purchase additional radios under the contract used for the AFG Portable Radio Grant for other departments, including the Police Department, Parks and Recreation, Transportation and Operations/Maintenance and Community Development/Building Inspection, as part of the Citywide

Communications CIP. Staff will request approval for these subsequent purchases when specific quantities are determined.

**ENCLOSURE:** None

**RECOMMENDATION:**

1. Approve acceptance of a share of a regional Assistance to Firefighters Grant in the amount of \$164,840.92 to purchase Fire Department radios with a City contribution of \$41,210.22 as a 20% match.
2. Authorize the City Manager to execute documents necessary to accept the grant.
3. Appropriate \$164,840.92 to the Miscellaneous Federal Grant Fund (Fund 199).



**\*2.8 GENERAL VACATION OF RAILROAD AVENUE (PLN2009-00033)**

**Continuation of Public Hearing (Published Notice) to Consider a General Vacation to Abandon Railroad Avenue at the Terminus of Main and High Streets and East of the Former Union Pacific Railroad Tracks in the Irvington Planning Area**

**Contact Person:**

|         |                         |                       |
|---------|-------------------------|-----------------------|
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**Executive Summary:** On October 14, 2008, City Council initiated general vacation proceedings to abandon Railroad Avenue at the terminus of Main and High Streets and east of the former Union Pacific Railroad (UPRR) tracks in Irvington and set a hearing date to act on the proposed vacation for November 18, 2008. On October 9, 2008, the Planning Commission found that the proposed vacation was in conformance with the Fremont General Plan, consistent with State law. Planning Commission recommendation on the project's General Plan consistency is required prior to Council action. As there are outstanding issues relating to the reservation of utility easements within the proposed vacation area, staff recommends that the City Council direct the City Clerk to postpone action on the proposed vacation of Railroad Avenue at the terminus of Main and High Streets and east of the former UPRR tracks. Once the needed easements are ascertained, the item will be re-initiated for consideration.

**ENCLOSURE:** None

**RECOMMENDATION:** Direct the City Clerk to postpone action on proposed vacation of Railroad Avenue at the terminus of Main and High Streets and east of the former UPRR tracks. The item will be then be re-initiated for consideration once the utility easements to be reserved from the vacation are determined.

**\*2.9 ANNUAL REPORT ON THE GENERAL PLAN AND HOUSING ELEMENT  
(PLN2009-00165)**

**Public Hearing (Published Notice) to Consider an Annual Report on the Status of the  
General Plan and Housing Element Implementation**

**Contact Person:**

|         |                       |                       |
|---------|-----------------------|-----------------------|
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**Executive Summary:** State planning law requires cities to provide a status report on the General Plan and an update on the implementation of the Housing Element each year to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD). The purpose of this report is to provide an annual review of the General Plan as well as progress in implementing the Housing Element in keeping with the requirements of Government Code Section 65400.

The City of Fremont continues to make progress toward meeting its regional housing needs and Housing Element Implementation Programs. Approximately 267 units (including 42 moderate income units) were issued building permits. There were six General Plan Amendment changes (grouped in four amendment packages) during this time period of which three were related to residential development. Details are enumerated in the March 12, 2009 Planning Commission Report (Exhibit 1).

**BACKGROUND:** The City of Fremont received certification of the current Housing Element in 2003 by the State Department of Housing and Community Development (HCD). Major implementation efforts relating to the Housing Element for required rezonings and redesignations of properties at various densities to provide adequate sites for residential development were completed in the summer of 2005. Annual reports on progress towards meeting housing production and program implementation goals have occurred each year since adoption of the Housing Element.

The City of Fremont is actively in the process of updating the General Plan and the Housing Element. Staff anticipates the draft General Plan 2030 will be circulated for review in Summer 2009. Under State law, the City of Fremont must adopt an updated Housing Element of the City's General Plan by June 30, 2009. Staff has prepared a draft updated Housing Element for submittal to the State Housing and Community Development Department (HCD) for their required review. On March 3, 2009, the City Council authorized the submission of the Draft General Plan Housing Element to the State Housing and Community Development for review.

**Project Description:** State planning law requires the City to prepare an annual status report on the General Plan. Specifically, Government Code Section 65400 requires the City to provide a report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on or before April 1<sup>st</sup> of each year on the status of the plan and progress in its

implementation, including the progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

An update on the status of the General Plan, the Housing Element, and the progress made in meeting the goals and objectives outlined in the Implementation Program for the Housing Element for calendar year 2008 is contained in the March 12, 2009 Planning Commission Report, attached hereto as Exhibit 1 and incorporated by reference.

**Environmental Review:** The annual report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).

**Planning Commission Recommendation:** The Planning Commission at its March 12, 2009 meeting *recommended* the City Council approve this item. A summary of public and Planning Commission comments will be provided at the City Council meeting.

**Public Notice and Comment:** Public hearing notification is applicable. A total of 249 notices were mailed to organizations and individuals interested in housing issues, and persons entitled to notices, on March 12, 2009. A Public Hearing Notice was delivered to The Tri-City Voice on March 5, 2009 to be published by March 10, 2009.

**ENCLOSURES:** Exhibit A - Planning Commission Report of March 12, 2009 and a listing of the Housing Element’s goals, objectives and implementing measures and a commentary on progress towards achieving them during calendar year 2008

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Find the Annual Report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).
3. Find that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element.
4. Receive presentation on housing policy issues and provide feedback to staff for use in drafting the updated General Plan.

**\*2.10 MOWRY GROUP PLANNED DISTRICT REZONING-5339 MOWRY AVENUE  
(PLN2009-00156)**

**Public Hearing (Published Notice) to Consider the Planning Commission's  
Recommendation to Rezone 5339 Mowry Avenue from C-T, Thoroughfare Commercial, to  
Planned District, P-2009-156, and Adopt a Precise Plan to Permit Certain Specified Uses  
Within a Recently Constructed 10,800 Square Foot Retail Building**

**Contact Person:**

|         |                       |                       |
|---------|-----------------------|-----------------------|
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**Executive Summary:** The Applicant requests that the City Council rezone the subject site from C-T, Thoroughfare Commercial to a Precise Planned District, P-2009-156, to allow certain specified uses within a newly constructed retail building. The subject parcel is designated in the General Plan as Thoroughfare Commercial. Staff and the Planning Commission recommend approval of the project, based on the findings and conditions of approval.

**BACKGROUND:** The site previously contained a 6,426-square-foot restaurant that was built in 1973 as the 'Stag & Hound' Irish-themed restaurant and pub. In its concluding years, it was later operated as a Hungry Hunter and Jericho's Steakhouse, before closing.

In June 2007, the Planning Commission granted site plan and architectural approval (PLN2007-00236) for the redevelopment of the site with a new 10,800 square foot retail building containing a drive-through eating facility. The new retail building has been recently completed and currently two tenant spaces (Starbucks and Chaat Bhavan Restaurant) of the seven spaces are occupied.

In January 2009, the applicant submitted an application to rezone the site to a precise planned district.

In February 2009, the Planning Commission recommended approval of the Planned District rezoning.

**Proposed Project:** The proposed rezoning from C-T, Thoroughfare Commercial, to Planned District, P-2009-156 will permit certain additional uses within a recently constructed 10,800 square foot retail building. No additional improvements are proposed to the building or site at this time.

**Project Analysis:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the General Plan land use designation for the project site because the proposed retail and services uses, including a drive-through restaurant, meet the intent of the Thoroughfare Commercial designation. The following General Plan Goal and Policy are applicable to the proposed project:

**LAND USE GOAL 2:                COMMERCIAL DEVELOPMENT FOCUSED IN WELL-DEFINED  
COMMERCIAL AREAS**

***Policy LU 2.27:                The list of allowed uses for Thoroughfare Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed to achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.***

***Policy LU 2.30:                All proposed uses in a Thoroughfare Commercial designated area should be evaluated to determine that the use is primarily oriented toward the motoring public or is inappropriate to an existing commercial area.***

Analysis: The City's General Plan was last comprehensively updated in 1991. Since then, there has been little to no change to the Thoroughfare Commercial land use designation, which primarily was established to serve the traveling public. This was likely seen then as the traveling motorist public where thoroughfare commercial areas relied on pass-by trip exposure or single purpose trips. For that reason, the thoroughfare commercial area was viewed distinct from neighborhood commercial and community commercial areas which had integrated uses commonly found in shopping centers.

A significant change in retail sales and services offered now, in comparison to the past, is also evident.

Today the "traveling public" also includes people who may be hotel guests on extended business trips or vacations. The City has observed several changes in business retail practices and strategies used to compete in this current market, i.e., to attract and provide necessary services for customers, particularly when it comes to the evolving needs of a more sophisticated public. The General Plan envisioned that continual adjustments would be necessary to meet overall goals of the City by providing flexibility in its commercial policies needed to address these changes.

The application of the Planned District would benefit this unique site and surrounding area by including additional uses that would benefit the traveling public, particularly the several services now provided not envisioned almost 17 years ago. In this case, the site is located within an established commercial retail area on both sides of Mowry Avenue between Blacow Road and I-880 with a high concentration of uses that include a plethora of hotels, lodging, restaurants, and retail sales and services. In the immediate area there are over 69 retail establishments, including Mowry East/Mowry Landing shopping centers. In a recent retail study<sup>1</sup> prepared by Strategic Economics, Fremont's retail businesses were analyzed and several recommendations were made to address the need of being opportunistic for a better retail mix to fill present voids, which can be summed up as recapturing the retail sales outflow. One recommendation is to determine which sites could be rejuvenated through re-investment with a City policy supporting the potential for rezoning of small and/or underperforming retail centers.

Based on the above considerations, the subject site fits these characteristics: it was previously an underperforming restaurant site (Jerico's steakhouse) in deteriorating condition, and neighbors have complained of overgrown landscaping, debris, homeless encampments, vandals, and general loitering. The property owners cleared the site and established a new 10,800 square foot retail building. However, the applicant has indicated to staff that the consideration of additional uses is needed to provide services

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<sup>1</sup> Fremont Market Analysis and Retail Strategy, Strategic Economics, September 2008.

to this area, and more importantly, compete in this current market. The full range of uses proposed includes traditional thoroughfare commercial uses such as the drive-through and other complimentary uses supportive of the current development, particularly the hotel uses near the site.

For the above reasons, staff finds that the Planned District application is appropriate for the site and consistent with the General Plan.

### ***Zoning Regulations:***

*Applicability of Planned District Rezoning:* Fremont Municipal Code, Article 18.1 creates a “planned district” zoning designation to encourage desirable development by allowing flexibility in siting and building design, and a *mix of compatible land uses*. The Planned District is utilized to accommodate unique developments, which create desirable, functional and compatible uses under controlled conditions of a development plan. The project amenities and compatibility of the proposed Planned District are ensured through the adoption of a precise plan, which includes a list of specified permitted uses.

In general, a Planned District is reviewed through the requirements of the site’s underlying land use designation, in this case, Thoroughfare Commercial. The core function of this land use designation is to provide uses which primarily serve the traveling public. Though no changes or additional improvements are proposed to the recently completed new site and retail building, application of a Planned District is appropriate to regulate the proposed future uses, as well as existing uses on the site. Under this application, the City would retain greater control of uses permitted on the site, which accommodates the applicant’s request of a more diverse mix of permitted uses for the reasons previously discussed. The compatibility of proposed uses is analyzed in greater detail below.

*Compatibility of Proposed Uses:* Under Section 8-21811 [Standards and requirements for P districts.], land uses selected for consideration in a planned district and appropriate zoning regulations are those listed for the zoning district most similar in nature and function to the underlying general plan land use designation. The intent of the thoroughfare commercial land use designation is key in making determinations if a use is a compatible “fit” for the establishment of the Planned District, based on existing circumstances affecting the site and surrounding area. This intent is to provide for uses primarily serving the traveling public. A majority of these uses are found in Article 13 [C-T Thoroughfare Commercial District], which includes these use categories:

- Retail stores (e.g., car dealers, auto/home supply stores, donut shops, furniture stores)
- Services (e.g., car repair shops, equipment rental, mail boxes and services, motels and hotels)
- Finance, insurance and real estate
- Conditional retail and services uses subject to Zoning Administrator or Planning Commission approval (e.g., drive-through restaurants, amusement and recreation services, car washes)

The applicant requests and staff and the Planning Commission recommend the inclusion of additional uses provided in the following table:

| <b>Recommended List of Uses, Planned District P-2009-156</b>   |   |
|--|---|
| All permitted or conditionally permitted uses as specified in the C-T, Thoroughfare Commercial Zoning District pursuant to Article 13, as amended thereto (See Informational 2). | As specified P <sup>1</sup> , Z <sup>2</sup> or C <sup>3</sup> thereto. |
| Beauty, tanning, nail and hair salons  | P   |
| Day spas   | P   |
| Laundromat and dry cleaners  | P   |
| Reproduction and commercial art services   | P   |
| Travel agencies  | P   |
| Drug and proprietary   | P   |
| Check Cashing  | Z   |
| Apparel and accessory  | P   |
| Jewelry stores (sales and repairs)   | P   |
| Hobby, Toy and Game Shops  | P   |
| Camera and Photographic Supply Stores  | P   |
| Gift, Novelty, and Souvenir Shops  | P   |
| Luggage and Leather Goods Stores   | P   |
| Floral Stores  | P   |
| Retail Sales and Rentals of Video, DVD Tapes and Equipment   | P   |
| Photographic studio  | P   |

<sup>1</sup> Permitted Use.

<sup>2</sup> Zoning Administrator Permitted Use.

<sup>3</sup> Conditional Uses: Planning Commission as reviewing agency

Staff recommends the above list of uses for the unique character of the site. These uses are compatible for the site and would not compromise the surrounding predominate retail/hotel area. As discussed earlier in the General Plan conformity section, a number of the service uses would in fact be supportive of other uses in the area.

**Parking:** A total of 59 parking spaces are provided on the site, as follows: 55 vehicle parking spaces, six motorcycle parking spaces (a three vehicle space equivalent), and eight bicycle parking spaces (a one vehicle space equivalent) are provided. The current parking facility is sufficient to accommodate existing and future uses recommended for the Planned District.

**Design Analysis:** The building and site design is not at issue as no additional improvements are proposed at this time. Nevertheless, the Planning Commission or City Council may choose to require additional improvements if such improvements are warranted for the proposed Planned District. Staff is not recommending any additional improvements or deviations from the standard building and site standards of the C-T District pursuant to Article 13, Section 8-21305 [C-T District, Building and site standards.].

A complete analysis of the building and site design approval, including approval of a conditional use permit for the drive-through facility (now Starbucks), is attached as Informational 1.

**Environmental Review:** The project is exempt under the California Environmental Quality Act (CEQA) Guideline Section 15061(b)3, no potential effect. The project causes no change to the environment as the site is already developed. The proposed commercial uses have the same general attributes as current uses and would not alter how the site operates as a commercial property.

**Public Hearing and Comment:** Public hearing notification is applicable. A total of 181 notices were mailed to owners and occupants of property within 300 feet of the site.

**ENCLOSURES:**

- Draft Ordinance
- Exhibit “A” Planned District Rezoning Exhibit to P-2009-156
- Exhibit “B” Findings and Conditions of Approval
- Exhibit “C” Planned District Precise Site Plan
- Informational items:
  1. June 2007 Staff Report: Mowry Retail Conditional Use Permit (PLN2007-00236)
  2. FMC, Article 13, C-T, Thoroughfare Commercial District

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Find that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) per the California Environmental Quality Act (CEQA) Guideline Section 15061(b)3, no potential effect, in that approval of the planned district to permit certain specified uses would not cause a significant effect on the environment, cumulative or otherwise, and this action reflects the independent judgment of the City.
3. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use chapter as enumerated within the staff report.
4. Find the rezoning from C-T, Thoroughfare Commercial, to Planned District, P-2009-156, to permit certain specified uses within a recently constructed 10,800 square foot commercial building, in conformance with Exhibit “A” (Planned District Rezoning Exhibit), Exhibit “B” (Findings and Conditions of Approval), and Exhibit “C” (Planned District Precise Site Plan).
5. Waive full reading and introduce an Ordinance rezoning the subject property from C-T, Thoroughfare Commercial, to Planned District P-2009-156, in conformance with Exhibit “A” and adopting Exhibit “C” together with the findings and conditions contained in Exhibit “B” as the Precise Plan for P-2009-156.
6. Direct staff to prepare and the City Clerk to publish a summary of the above Ordinance.



**\*2.11 LOCAL BUSINESS PREFERENCE FOR CITY PURCHASES – AMENDING SECTION 2-9404 OF THE FREMONT MUNICIPAL CODE**

**Introduce an Ordinance Amending Section 2-9404 of the Fremont Municipal Code to Increase the Local Business Preference from Two and One-half Percent (2.5%) to Five Percent (5%) on Purchases of Personal Property Over \$25,000 With a Limit of \$10,000 on the Amount of the Preference until December 31, 2010**

**Contact Person:**

|         |                      |                      |
|---------|----------------------|----------------------|
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**Executive Summary:** At the March 3, 2008 City Council meeting, as part of its approval of the Local Business Stimulus Package, the Council indicated its interest in increasing the local business preference as it relates to the formal competitive bidding process for purchases. The current local business preference for City purchases is two and one-half percent (2.5%) with a limit of \$5,000. That is, bids from businesses located in Fremont are calculated at two and one-half percent (2.5%) below the actual bid for the purpose of comparing bids between local and non-local vendors on all purchases for taxable goods, supplies and equipment not involving public works projects or otherwise precluded by state and federal law. As part of the implementation of the Local Business Stimulus Package, the action being considered is to amend the Fremont Municipal Code (Purchasing Ordinance) to increase the local business preference to five percent (5%) on purchases over \$25,000, with a limit of \$10,000 on the amount of the preference, until December 31, 2010. This follows a similar action that was originally taken in May 2007, when the local business preference was last increased from one percent (1%) to two and one-half percent (2.5%). At any point before December 31, 2010, the City Council could decide to extend the time period by which the increased local business preference is in effect. After December 31, 2010, the local business preference would revert to its current level of 2.5%, with a limit of \$5,000.

**BACKGROUND:** The City of Fremont's Purchasing Ordinance was first amended in 1996 to provide for a 1% local business preference. The preference is applied in the purchase of personal property, such as goods, supplies, materials and equipment. This 1% amount was based on the amount of the City's share of sales tax paid on the purchase that would ultimately be returned to the City from the State. The local business preference provided for a local vendor's bid to be calculated at one percent (1%) below the actual bid amount for the purpose of comparing bids between local and non-local vendors. Eligible local businesses are those that have applied for and paid a business tax and are identified within the City of Fremont by the State of California Board of Equalization for the purpose of the California sales tax area code number.

The 1% preference was only applied to the purchase of personal property and not to public works projects which under State law must be awarded to the lowest responsive and responsible bidder. There is no similar State law requirement in the purchase of goods. However, under applicable legal authorities, an increase in the existing local preference should be accompanied by findings that demonstrate that a legitimate governmental purpose is served by the increase. In general, and as

explained below, the purpose of the increase in the local preference is to support local businesses, enhance local employment opportunities, and encourage business development and retention in the City of Fremont. The proposed findings are included in the attached draft ordinance.

In May 2007, the 1% local business preference was increased to 2.5%. This percentage was not viewed as a material amount, yet has been symbolic of the City's support for local businesses and its commitment to circulate tax dollars within the local economy. As part of the Local Business Stimulus Package, staff is now recommending the 2.5% local business preference for purchase of personal property be increased from 2.5% to 5% until December 31, 2010. This higher amount would continue to demonstrate the City's commitment to retain local businesses, attract new businesses, and could hopefully be at a level high enough to assist additional local businesses to obtain a City contract during these difficult economic times.

Recently obtained data from the State Board of Equalization and the City's sales tax consultant shows that Fremont has experienced – and is likely to continue to experience – a drop in sales tax revenue from all sectors of the economy. Fremont has also seen an increase in its local unemployment rate from 3.5% in November 2007 to 5.2% in November 2008 and then 6.7% in January 2009 (the January figure represents the latest information from the State Employment Development Department).

The recommended 5% amount was derived by including a multiplier effect on the current 2.5% local business preference. This “multiplier effect” is meant to reflect the fact that increased spending in one part of the economy often leads to positive impacts in other parts. For example, increased government spending (or, in this case, a credit) may lead to increased activity in companies, with employees earning more, and will lead to increased local spending by companies and individuals on consumer goods. The local preference may also help an individual business successfully utilizing this preference to maintain their economic viability, keep their employees employed, and keep the business operating within Fremont. Thus, the local preference will assist in stabilizing and strengthen the City's economic and revenue basis and resident employment opportunities.

A 5% local business preference will also provide a stronger indication of the City's efforts to help retain existing businesses by working to counter the current 20% vacancy rate in our Warehouse and Research/Development industry sectors and the increasing unemployment rate within the city. By assisting local companies to stay in business, the City is helping to keep Fremont's industrial/business vacancy rates from increasing even higher, thereby avoiding blight. In addition, a higher local business preference would reflect the City Council's goal of maintaining and encouraging a “Dynamic Local Economy”. The local preference also recognizes that local businesses provide employment opportunities for local residents and provide charitable and civic contributions to the community.

Finally, contracting locally will promote environmentally sustainable practices because shopping locally avoids environmental impacts such as the transportation and fuel costs associated with shipping goods from out of town. By contracting locally, goods and repairs may be delivered more quickly. Thus, an increased local preference in the purchase of goods will encourage existing businesses to remain in Fremont and attract new businesses, which in turn benefits the City's economic and revenue base though which public safety and other services are provided and provides non-monetary savings in reduced delivery time and avoidance of environmental impacts.

In addition, staff is recommending the local business preference include a limit on the amount of the preference of \$10,000 in order to limit the City's potential for increased costs. The current limit is \$5,000. A contract of \$200,000, for example, with a 5% preference could result in a gross increase of \$10,000 to the cost of the contract (although 1%, or \$2,000, would be returned to the City in the form of sales tax, thus resulting in a net cost of only \$8,000). Purchases less than \$25,000, which do not go through this formal bidding process, would continue to go through the existing informal competitive bid process. Staff will make a concentrated effort to encourage City employees to "Shop Fremont" whenever possible and will amend the Purchasing Administrative Regulation to encourage a bid from at least one local vendor, when possible.

**ENCLOSURE:** Draft Ordinance.

**RECOMMENDATIONS:**

- 1 Hold Public Hearing.
2. Waive full reading and introduce an ordinance amending Section 2-9404 of the Fremont Municipal Code to increase the local business preference for purchases from two and one-half percent (2.5%) to five percent (5%) for purchases of personal property over \$25,000 with a limit of \$10,000 on the amount of the preference as set forth in Attachment A, until December 31, 2010, after which the local business preference will revert to its existing amount of two and one-half percent (2.5%) for purchases of personal property over \$25,000 with a limit of \$5,000 on the amount of the preference.

**\*2.12 FREMONT JAIL BOOKING FEE AND JAIL ACCESS FEE EFFECTIVE JULY 1, 2008**  
**Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to**  
**Neighboring Agencies Effective July 1, 2008**

**Contact Person:**

|         |                     |                       |
|---------|---------------------|-----------------------|
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**Executive Summary:** This item was published for the March 24, 2009 meeting. However, staff needs additional time to complete its review and assessment of the proposed fees and thus recommend that the item be continued to a date certain of April 7, 2009.

**ENCLOSURE:** None

**RECOMMENDATION:** Continue to April 7, 2009 and direct the City Clerk to republish the appropriate public hearing notice.

## **6.1 Report Out from Closed Session of Any Final Action**

**7.1 AMENDMENT TO VOLUNTARY CLEANUP AGREEMENT WITH DEPARTMENT OF TOXIC SUBSTANCE CONTROL FOR THE WASHINGTON BOULEVARD / PASEO PADRE PARKWAY GRADE SEPARATION PROJECT**  
**Amendment to Voluntary Cleanup Agreement with Department of Toxic Substance Control for Remediation of the Abandoned Union Pacific Railroad Corridor from 500 feet North of Paseo Padre Parkway to 100 feet South of Washington Boulevard for a Cost of \$126,354**

**Contact Person:**

|         |                             |                             |
|---------|-----------------------------|-----------------------------|
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**Executive Summary:** In July 2008, the City entered into a Voluntary Cleanup Agreement with the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) for the oversight of the cleanup activities within the abandoned Union Pacific Railroad (UP) corridor, to be performed by the City as part of the Washington Boulevard/Paseo Padre Parkway Grade Separation Project. As part of the Agreement, the City is to reimburse DTSC for the actual cost incurred by the Agency in preparation of the Agreement and its oversight efforts. DTSC's initial estimate of its costs was \$56,220. However, due to a greater than anticipated public participation process, increased time needed to respond to public comments, and additional coordination with the City, DTSC has incurred additional costs and has updated its estimate to complete its oversight efforts. This estimated revised cost is \$126,354. Staff is recommending the Council approve the additional \$70,134 and also authorize the City Manager or his designee to approve an additional \$20,000 as contingency to cover future unforeseen changes to this agreement.

**BACKGROUND:** In March 2006, the City executed a Property Exchange Agreement with the Union Pacific Railroad (UP), whereby the City would receive the old UP right-of-way after relocation of the railroad and transfer of the new corridor right-of-way to UP. In September 2008, the railroad was relocated to its new corridor and the City obtained an Order of Possession from UP for its abandoned corridor. The City had previously conducted a Phase II Hazardous Materials Investigation Study of the UP corridor and had planned to remediate the contaminants found in the corridor before it is put in use. The City intends to use this abandoned railroad corridor as a pedestrian/bike trail to connect the future BART Irvington Station to Central Park. Furthermore, in January 2007, the City reached a settlement agreement with West Coast Venture, LLP (WCV) following an eminent domain lawsuit regarding the property the City needed to acquire for the new UP corridor. As part of this settlement agreement, the City would allow WCV to use the easterly 20 feet of the abandoned UP corridor adjoining WCV property as a residential setback and also allow WCV to construct a 16-foot wide Emergency Vehicle Access (EVA) road in the remaining 40 feet of the corridor as a second means of access to its property. The City would also use the EVA road as part of its pedestrian/bike trail.

Before the City can place the abandoned UP corridor in public use, the soil in the corridor has to be remediated in accordance with regulatory guidelines based on its intended use. Staff contacted DTSC,

which was assigned by the State Regional Water Quality Control Board as the regulatory agency having jurisdiction over the site, to establish the cleanup requirements and hence entered into a Voluntary Cleanup Agreement with the agency in July 2008. The established limits of the cleanup effort in this Agreement begin 500 feet north of Paseo Padre Parkway and end 100 feet south of Washington Boulevard. This limit covers the entire corridor impacted by the Grade Separation Project. Any improvement of the corridor outside this area, including the future use of the UP corridor for the future Irvington BART Station, will require a separate Agreement with DTSC.

**Discussion:** The Voluntary Cleanup Agreement with DTSC allows the City to investigate and remediate the UP corridor site for its intended use; establishes DTSC's oversight role as the regulatory agency; and requires the City to reimburse DTSC for its actual oversight costs pursuant to the Agreement. DTSC's estimated oversight cost included in the agreement was \$56,220. However, during the circulation of the Project's Draft Removal Action Workplan (RAW), there was greater than anticipated public interest and participation, which required additional meetings with members of community and additional coordination with City staff to address public comments and concerns. DTSC has submitted its revised cost estimate of \$126,354 to complete its oversight role which includes: 1) finalizing the RAW, 2) preparation of deed restrictions for the areas where the contaminated soil has been capped by clean dirt, and 3) monitoring the removal and consolidation process of the contaminated soil by the City's contractor.

Following completion and issuance of the RAW by DTSC, a contract change order will be issued to the Washington Boulevard / Paseo Padre Parkway Grade Separation Project contractor to remove and consolidate the contaminated soil as called for in the RAW.

To use this corridor for its intended purpose, the City must complete the regulatory process with DTSC and remediate the soil in accordance with DTSC requirements. Because the City's Voluntary Cleanup Agreement with DTSC requires the City to pay DTSC's actual oversight costs, staff is recommending the City Council approve the Amendment to increase DTSC's reimbursement, and further authorize the City Manager or his designee to further increase the reimbursement to DTSC by up to \$20,000 if necessary. Sufficient funding is available in the Washington Boulevard/Paseo Padre Parkway Grade Separation Project budget (PWC 8156).

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or his designee to execute the Amendment to the Voluntary Cleanup Agreement with DTSC to increase the reimbursement by \$70,134, for a new total reimbursement amount of \$126,354. Additionally, authorize the City Manager or his designee to approve and sign future amendments to the Agreement to increase the reimbursement up to an additional \$20,000, if needed, to cover future unforeseen changes.

## **7.2 AUTHORITY TO SUBMIT PROPOSALS FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING**

### **Authorize City Manager or Designee to Submit Proposals for Federal Funding Under the American Recovery and Reinvestment Act of 2009**

#### **Contact Person:**

|         |                       |                        |
|---------|-----------------------|------------------------|
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**Executive Summary:** President Barack Obama signed the \$787 billion American Recovery and Reinvestment Act (ARRA) of 2009 into law on February 17, 2009. The American Recovery and Reinvestment Act of 2009 is also commonly known as the Federal Stimulus Package. The main objectives of the Federal Stimulus Package are to create jobs and stabilize the economy.

ARRA funding is targeted to programs in the areas of health care, energy, infrastructure, education, public safety, transportation, environment, affordable housing, and economic development. In some cases, funding guidelines have been established, and in other cases the guidelines will be developed later this year. Staff is actively tracking the status of ARRA implementation and assessing which funding sources are appropriate for Fremont.

This report provides an initial assessment of ARRA funding for which the City of Fremont may be eligible, as well as recommendations from staff on seeking such funding. Generally, funding may be accessed through state and regional agencies (e.g., CalTrans, Metropolitan Transportation Commission); through formula programs administered by federal agencies (e.g., Housing and Urban Development); or through discretionary grant programs administered by federal agencies (e.g., Department of Justice). In some cases, funding is available by formula, and in other cases funding is provided through a competitive process.

At this time, staff believes Fremont may receive approximately \$9.23 million in ARRA funding, the largest portion of which is \$4.01 million in new funding for street overlays. This infusion of cash will increase total funding for street overlays to \$7.4 million for FY 2008/09. Other significant opportunities include additional CDBG funds, which may be used for capital needs and social services; funding for affordable housing through the Neighborhood Stabilization Program; funding for homelessness prevention; competitive grants to fund police officers (COPS funding); funding for police equipment; and funding for storage buildings at Fire Stations 6 and 11.

On January 27, 2009, the Council approved the 2009 Legislative Policies and Funding Priorities. Attached to that staff report was a list of capital projects that was given to regional and state authorities, as well as local government advocacy groups and the Conference of Mayors, as the stimulus legislation was being crafted in order to demonstrate the need for capital funding in Fremont. Now that the ARRA legislation has been adopted, staff is evaluating approved funding sources to determine which Fremont



projects or programs are eligible for funding. Few of the projects identified in the January 27, 2009 report appear to be eligible for federal funding under ARRA.

Staff seeks Council approval to pursue ARRA funding as noted. Staff will return to Council later this year with an update on funding availability once funding guidelines have been established for all program areas.

**BACKGROUND:** President Barack Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009 into law on February 17, 2009. The American Recovery and Reinvestment Act of 2009, or Federal Stimulus Package, is intended to create jobs and stabilize the economy.

**Purpose.** Specifically, the purpose of the Federal Stimulus Package is as follows:

- (1) Preserve and create jobs and promote economic recovery.*
- (2) Assist those most impacted by the recession.*
- (3) Provide investments needed to increase economic efficiency by spurring technological advances in science and health.*
- (4) Invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.*
- (5) Stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.<sup>2</sup>*

The total cost of the Federal Stimulus Package is \$787 billion, of which approximately \$355 billion is for transportation, infrastructure, construction, health care programs, education and housing assistance, and energy efficiency projects, \$144 billion for state and local fiscal relief, and \$288 billion for personal and business tax credits.

**General Provisions.** Federal Stimulus Package funding is available to programs that are “shovel-ready” or those able to be implemented quickly, generally no more than two or three years after funding is granted. The funding comes with “Buy America” provisions that can only be waived by federal agencies.

**Accountability and Transparency Provisions.** The Federal Stimulus Package includes extensive accountability and transparency requirements, including the following:

- Grant recipients must certify that infrastructure investments have received the full review and vetting required by law and that the recipient accepts responsibility as an appropriate use of taxpayers dollars. Certification is to be posted on [www.recovery.gov](http://www.recovery.gov) and the local website.*
- Quarterly reports on the infrastructure investments made, including the purpose, cost, rationale and contact for concerns, detailed information on subcontracts. This information will be posted on [www.recovery.gov](http://www.recovery.gov).*
- Recipients must register with the Central Contractor Registration administered by the Office of Management and Budget.*

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<sup>1</sup> United States. Cong. Senate & House. American Recovery and Reinvestment Act of 2009. 111<sup>th</sup> Cong., 1<sup>st</sup> sess. Washington: GPO, 2009.

- Any federal agency Inspector General can review concerns raised by the public with findings posted on a website.
- New federal agency established to coordinate and conduct oversight of covered funds to prevent fraud, waste and abuse. This agency will also advise the President on the implementation of the recovery.
- Federal agencies can adjust administrative costs allowed to assist state and local governments with the cost of recovery record keeping and reporting.
- State and local whistleblowers are protected.<sup>3</sup>

**Funding Access.** Generally, ARRA funding can be accessed through state and regional agencies (e.g., CalTrans, Metropolitan Transportation Commission and Congestion Management Agency); through formula programs administered by federal agencies (e.g., Housing and Urban Development); or through discretionary grant programs administered by federal agencies (e.g., Department of Justice). In some cases, cities are eligible to apply for funding, but in other cases funding is restricted to other levels of government or non-governmental organizations.

Staff is working to identify ARRA funding for which the City is eligible, whether through the State, formula grants, or discretionary funding. Departments are also working with professional and regional organizations, as well as federal and/or State agencies with jurisdiction over the federal recovery funding program, such as the Department of Transportation, to make sure the City is well positioned to secure appropriate funding.

The chart in Enclosure A shows a comprehensive list of ARRA funding for which Fremont may be eligible. In several cases, funding guidelines have not yet been released. In the attached chart (Enclosure A), there are cases when Fremont is not eligible to apply and “NO” is indicated in the “Will Apply” column. A “NO” response generally means that local entities are not eligible to apply and Fremont will either apply through a State agency or individuals can apply directly to the funding source.

There are, however, several funding sources for which Fremont’s eligibility is known, and for which funding application deadlines are imminent. Those funding streams are listed below, and staff recommends that the Council authorize staff to pursue this funding.

| Funding Source                     | Fremont Share or Application | Possible Projects   |
|------------------------------------|------------------------------|---|
| Community Development Block Grant  | \$446,295                    | Capital projects, public services, and job development. Projects must be under way within 120 days of date of contracted agreement with HUD.  |
| Neighborhood Stabilization Program | \$638,964                    | Cities in the County plan to use a Joint Agreement to pool resources in applying to the State for funding for affordable housing. Only projects that are \$1M or greater will be considered by the State. |
| Homelessness Prevention            | \$682,331                    | Staff is working at a countywide level to develop an integrated program to prevent new cases of homelessness.   |

<sup>2</sup> Source: “City Funding Book.” Sacramento: League of California Cities, 2009. (as adapted from the ARRA of 2009)

| <b>Funding Source</b>                             | <b>Fremont Share or Application</b> | <b>Possible Projects</b>   |
|---|-------------------------------------|--|
| Highway Infrastructure                            | \$4,010,000                         | Fund street overlays of 2.3 miles on portions of Paseo Padre Parkway, Walnut Boulevard, Mowry Avenue, Argonaut Way and South Grimmer Boulevard.                |
| Community Oriented Policing Services (COPS)       | \$682,824                           | Funding for five Police Officers   |
| Byrne JAG - Formula                               | \$268,789                           | Digital citation program hardware and software; license plate scanning equipment; magnetic inventory control system; and replacement of speed/message trailer. |
| Assistance to Firefighters Grants (Fire Stations) | \$1,500,000                         | Two storage buildings at Fire Station 6 and Fire Station 11; previously planned but deleted due to cost.   |
| Energy Efficiency and Conservation Block Grants   | est. \$1,000,000 - \$2,000,000      | Projects resulting in energy efficiency and/or greenhouse gas emissions reductions; specific projects to be determined.  |
| <b>Total:</b>                                     | <b>\$9,229,203 - \$10,229,203</b>   |  |

**Economic Development Grants.** In addition to the City applying directly for ARRA funds, there are a number of grants available to businesses that the Office of Economic Development is tracking. Economic Development staff will be marketing these funding opportunities to Fremont businesses and will be working with individual businesses, as appropriate, to ensure they receive their fair share of stimulus funds. Some of the funding opportunities for businesses include the following:

- \$636 million for Small Business Administration (SBA) loan programs, including \$30 million for expanding SBA's Microloan program and offering SBA loans up to \$35,000 for small businesses facing economic hardship.
- \$6 billion from the Innovative Loan Guarantee Program through the US Department of Energy.
- \$3.95 billion for Workforce Investment Act Programs for employee training and development through the US Department of Labor.

**ENCLOSURE:** City of Fremont Federal Stimulus Funding List

#### **RECOMMENDATIONS:**

1. Authorize City Manager or designee to submit proposals or complete other applications, as appropriate, to secure federal funding from the following sources identified in the American Recovery and Reinvestment Act of 2009; Community Development Block Grant, Neighborhood Stabilization Program, Homelessness Prevention, Highway Infrastructure, Community Oriented Policing Services (COPS), Byrne JAG-Formula, Assistance to Firefighters Grants, and Energy Efficiency and Conservative Block Grants.
2. Direct staff to report on ARRA funding availability as funding guidelines are developed.

### 7.3 CAPITOL AVENUE PROJECT STATUS REPORT AND NEXT STEPS

**Presentation by TMG Partners and Field Paoli Architects on the Status of the Capitol Avenue Project, and Discussion by Councilmembers of Project Elements, Proposed Expansion of Project Area, and Next Steps**

**Contact Person:**

|         |                      |                       |
|---------|----------------------|-----------------------|
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**Executive Summary:** In August 2008 the City entered into a Memorandum of Understanding (MOU) with TMG Partners for planning and development of the Capitol Avenue Project. This agenda item is intended to provide Council with a status report and an opportunity for Councilmembers to express their vision for the project and provide direction on the Project and possible next steps. To frame this conversation, this report provides a brief review of the City's interest in developing the Capitol Avenue Project, a discussion of the most recent activity related to the Project, and a discussion of possible next steps. TMG Partners and Field Paoli Architects will also be making a presentation at the City Council meeting which will supplement this staff report.

**BACKGROUND:** Focused attention and effort on this area began in May 1998 when the City Council directed Planning staff to prepare a Concept Plan for the Central Business District. Prior to approval by the City Council in November 2001, the Concept Plan was under development for over two and a half years and included twenty months of discussion by a eighteen member Downtown Plan Advisory Committee, six months of community outreach and engagement, and several study sessions before the Planning Commission and the City Council. The Central Business District is defined as the area bounded by the Hub Shopping Center to the west, the Fremont BART Station to the east, Mowry Avenue to the north, and Stevenson Avenue and Sundale Avenue to the south (see map; Exhibit A).

The Central Business District Concept Plan's vision for the "Focus Area" is to create a hub of activity by having the area "contain a mix of uses including retail, offices, entertainment, open space, and cultural arts organized around a main street. This main street, to be constructed on Capitol Avenue and an extension of it to Fremont Blvd., will be an attractive place to shop, stroll, and dine, and will become the true center to the focus area. Helping to anchor this area will be the new Fremont City Hall and City Hall Plaza and a new Cultural Arts Center."

The Concept Plan implements several policies of the General Plan, in particular Policy LU 2.7, which states "Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level." The Central Business District Concept Plan includes the following set of goal statements:

- To create a recognizable and memorable Downtown that people can take pride in and where people want to go.
- To create a Downtown comprised of a mix of land uses including mixed-use buildings, housing, offices, retail, government/civic uses, entertainment, open space/parks, and cultural arts.
- To improve streetscape design.
- To improve amenities for pedestrians particularly in the Downtown focus area, through design approaches such as street narrowing and locating buildings at the street edge.
- To improve connections to the BART station.
- To encourage a network of public and private, strategically placed parking facilities.
- To encourage the use of energy efficiency in building technology.
- To support economic vitality, particularly for small businesses.
- To reflect history, as appropriate, and Fremont's cultural diversity in the design and development of the Downtown.

To implement these goals over the Plan's 20-year time frame, the Plan makes several key recommendations including dividing the area into distinct sub-districts and establishing a "focus area" to become the pedestrian-oriented center. This "focus area" is meant to become a more traditional downtown area with retail uses and a Main Street flavor. Within the Concept Plan, Capitol Avenue was selected as the heart of the focus area. The proposed project discussed herein is focused on Capitol Avenue beginning at the City-owned property on the corner of Capitol Avenue and State Street (originally purchased as a potential location for a new City Hall) and expanding outward to the area bounded by Fremont Blvd. to the west, Paseo Padre Parkway to the east, Mowry Avenue to the north and Walnut Street to the south (see map enclosure; Exhibit B). This area is now being referred to as "Midtown" as it represents the geographic center (or "middle") of the CBD and the City of Fremont. In addition, using the term "Midtown" will avoid the confusion that exists when calling the area "Downtown" as this term is often used to describe some of the central business areas of the historic districts in Fremont (i.e., Downtown Centerville or Downtown Niles).

**Current Project Status.** Last year the City Council selected TMG Partners as the new development partner for the Capitol Avenue Project and in August 2008 the City entered into a Memorandum of Understanding with TMG Partners. Since that time TMG Partners has been meeting with the property owners adjacent to and near the City-owned parcel at State Street and Capitol Avenue. TMG Partners has also teamed up with Field-Paoli Architects to create development concepts which are meant to assist in the discussion of the area. These concepts are not intended to be a specific proposal. In working through a variety of development concepts that will be shared by TMG and Field-Paoli at the meeting, City staff and TMG Partners have come to believe the most effective planning and development strategy at this time is to develop a longer view that would plan for phased development throughout a Midtown "District", rather than relying on one project as a catalyst for all future development. TMG's preliminary thoughts on this new planning and development strategy will be the focus of their presentation before the City Council.

**Development Opportunities and Challenges.** In looking ahead at a different planning and development scenario, it is perhaps a good time to recall the opportunities and challenges that currently exist for the Midtown District to be developed. Opportunities include:

- Fremont is the fourth largest City in the San Francisco Bay Area (population 213,000). The Primary and Secondary Trade Areas have a combined population of over 380,000 residents.
- Fremont's population is affluent and well-educated, with an Average Annual Household Income of over \$122,000 per year and over 44% of the residents having a Bachelor's or Graduate degree.
- The City of Fremont is a major employment center. Its daytime employment population is over 110,000.
- Fremont is under-retailed in comparison-shopping and lacks a critical mass of much needed retail specialty stores and upscale dining.
- The City of Fremont is the largest property owner along Capitol Avenue and actively supports a joint venture project with TMG Partners.
- There is no competitive pedestrian-scale, mixed-use, retail center within 20 miles.
- Capitol Avenue/Midtown borders the intersection of Fremont Blvd. and Mowry Avenue which is considered the traditional crossroads of Fremont, with traffic counts exceeding 75,000 vehicles per day.
- Capitol Avenue/Midtown is well located. It is across the street from the Hub Shopping Center, and is within walking distance of major employers such as the City of Fremont offices, Washington Hospital, Kaiser Hospital, the Palo Alto Medical Clinic, and is close to the Fremont BART station.

The area's challenges include:

- Lack of direct freeway accessibility and visibility.
- Lack of pervasive upscale retail development activity in the immediate area (there are individual examples).
- Site assemblage is needed and is likely to be complex given the multiple parcels and ownerships involved.
- Creating development partnerships/relationships with adjacent property owners.
- Capitol Avenue/Midtown is not in a Redevelopment Project Area and site assemblage with the City's participation will therefore be limited for specific, public purposes only.
- The market viability of any development project in this difficult economic climate is extremely challenging. Creating a project that meets market needs and demands – and that will actually be built – is a likely and realistic goal.

## **NEXT STEPS**

The current economic climate makes it virtually impossible to obtain credit or capital to develop a specific project. As such, it is impractical to prepare a development pro forma, business plan or finance plan at this time. We do, though, have an opportunity to plan and invest in the area and create a dynamic public-private partnership between the City and TMG Partners. Therefore, staff and TMG Partners believe the immediate focus should be on the planning and environmental analysis which will allow development to move forward quickly once the economy recovers. City staff and TMG Partners also believe this planning effort should look at a larger area ("Midtown") rather than the previously defined Capitol Avenue Project. The presentation by TMG Partners and Field-Paoli Architects will touch upon these items and will provide additional information which can help the Council with its deliberation over the next steps. At the conclusion of the TMG/Field-Paoli presentation, the Council will have an

opportunity to provide initial direction to staff regarding such items as the area's land use, parking standards, building form, streetscape design, and infrastructure.

**ENCLOSURES:**

- Exhibit A, map of Central Business District
- Exhibit B, map of Midtown District

**RECOMMENDATIONS:**

1. Provide comments and direction to staff on the overall concept and proposed direction of TMG Partners and staff.
2. Provide direction to staff on possible next steps beginning with the planning and entitlement process for the Midtown District including, but not limited to, the development of a Specific Plan (including land uses, form-based zoning codes as well as urban design) and Environmental Impact Report, Streetscape Plan, Public Infrastructure and Utilities Plan, Parking Plan, and Transit Plan. These Plans would be conducted by City staff and consultants in cooperation with our development partner TMG Partners.

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events**



## ACRONYMS

|                |  |              |   |
|----------------|--|--------------|---|
| ABAG.....      | Association of Bay Area Governments                    | FUSD .....   | Fremont Unified School District                             |
| ACCMA.....     | Alameda County Congestion<br>Management Agency         | GIS .....    | Geographic Information System                               |
| ACE .....      | Altamont Commuter Express                              | GPA.....     | General Plan Amendment                                      |
| ACFCD .....    | Alameda County Flood Control District                  | HARB .....   | Historical Architectural Review Board                       |
| ACTA .....     | Alameda County Transportation<br>Authority             | HBA .....    | Home Builders Association                                   |
| ACTIA .....    | Alameda County Transportation<br>Improvement Authority | HRC .....    | Human Relations Commission                                  |
| ACWD .....     | Alameda County Water District                          | ICMA .....   | International City/County Management<br>Association         |
| BAAQMD .....   | Bay Area Air Quality Management<br>District            | JPA .....    | Joint Powers Authority                                      |
| BART .....     | Bay Area Rapid Transit District                        | LLMD .....   | Lighting and Landscaping Maintenance<br>District            |
| BCDC .....     | Bay Conservation & Development<br>Commission           | LOCC .....   | League of California Cities                                 |
| BMPs .....     | Best Management Practices                              | LOS .....    | Level of Service  |
| BMR .....      | Below Market Rate                                      | MOU .....    | Memorandum of Understanding                                 |
| CALPERS.....   | California Public Employees' Retirement<br>System      | MTC.....     | Metropolitan Transportation Commission                      |
| CBD .....      | Central Business District                              | NEPA .....   | National Environmental Policy Act                           |
| CDD.....       | Community Development Department                       | NLC.....     | National League of Cities                                   |
| CC & R's ..... | Covenants, Conditions & Restrictions                   | NPDES.....   | National Pollutant Discharge Elimination<br>System          |
| CDBG .....     | Community Development Block Grant                      | NPO.....     | Neighborhood Preservation Ordinance                         |
| CEQA .....     | California Environmental Quality Act                   | PC.....      | Planning Commission   |
| CERT .....     | Community Emergency Response Team                      | PD .....     | Planned District  |
| CIP .....      | Capital Improvement Program                            | PUC.....     | Public Utilities Commission                                 |
| CMA .....      | Congestion Management Agency                           | PVAW .....   | Private Vehicle Accessway                                   |
| CNG.....       | Compressed Natural Gas                                 | PWC.....     | Public Works Contract                                       |
| COF .....      | City of Fremont  | RDA .....    | Redevelopment Agency  |
| COPPS .....    | Community Oriented Policing and Public<br>Safety       | RFP .....    | Request for Proposals                                       |
| CSAC.....      | California State Association of Counties               | RFQ.....     | Request for Qualifications                                  |
| CTC .....      | California Transportation Commission                   | RHNA .....   | Regional Housing Needs Allocation                           |
| dB .....       | Decibel  | ROP.....     | Regional Occupational Program                               |
| DEIR.....      | Draft Environmental Impact Report                      | RRIDRO.....  | Residential Rent Increase Dispute<br>Resolution Ordinance   |
| DO .....       | Development Organization                               | RWQCB .....  | Regional Water Quality Control Board                        |
| DU/AC.....     | Dwelling Units per Acre                                | SACNET ..... | Southern Alameda County Narcotics<br>Enforcement Task Force |
| EBRPD .....    | East Bay Regional Park District                        | SPAA .....   | Site Plan and Architectural Approval                        |
| EDAC .....     | Economic Development Advisory<br>Commission (City)     | STIP .....   | State Transportation Improvement<br>Program                 |
| EIR.....       | Environmental Impact Report (CEQA)                     | TCRDF.....   | Tri-Cities Recycling and Disposal Facility                  |
| EIS .....      | Environmental Impact Statement (NEPA)                  | T&O .....    | Transportation and Operations<br>Department                 |
| ERAF .....     | Education Revenue Augmentation Fund                    | TOD .....    | Transit Oriented Development                                |
| EVAW .....     | Emergency Vehicle Accessway                            | TS/MRF ..... | Transfer Station/Materials Recovery<br>Facility             |
| FAR .....      | Floor Area Ratio                                       | UBC .....    | Uniform Building Code                                       |
| FEMA.....      | Federal Emergency Management Agency                    | USD.....     | Union Sanitary District                                     |
| FFD.....       | Fremont Fire Department                                | VTa .....    | Santa Clara Valley Transportation<br>Authority              |
| FMC.....       | Fremont Municipal Code                                 | WMA .....    | Waste Management Authority                                  |
| FPD.....       | Fremont Police Department                              | ZTA.....     | Zoning Text Amendment                                       |
| FRC.....       | Family Resource Center                                 |              |   |

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

| <b><i>Date</i></b>                          | <b><i>Time</i></b> | <b><i>Meeting Type</i></b>      | <b><i>Location</i></b> | <b><i>Cable<br/>Channel 27</i></b> |
|---|--------------------|---------------------------------|------------------------|------------------------------------|
| March 31, 2009<br>(5 <sup>th</sup> Tuesday) |                    | No Meeting                      |                        |                                    |
| April 7, 2009                               | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| April 14, 2009                              | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| April 21, 2009                              | TBD                | Work Session                    | Council<br>Chambers    | Live                               |
| April 28, 2009                              | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| May 4, 2009<br>(Monday)                     | 4:00 p.m.          | Joint City Council/FUSD<br>Mtg. | Council<br>Chambers    | Live                               |
| May 5, 2009                                 | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| May 12, 2009                                | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| May 19, 2009                                | TBD                | Work Session                    | Council<br>Chambers    | Live                               |
| May 26, 2009                                | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| June 2, 2009                                | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| June 9, 2009                                | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| June 16, 2009                               | TBD                | Work Session                    | Council<br>Chambers    | Live                               |
| June 23, 2009                               | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| June 30, 2009<br>(5 <sup>th</sup> Tuesday)  |                    | No Meeting                      |                        |                                    |
| July 7, 2009                                | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| July 14, 2009                               | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| July 21, 2009                               | TBD                | Work Session                    | Council<br>Chambers    | Live                               |
| July 28, 2009                               | 7:00 p.m.          | City Council Meeting            | Council<br>Chambers    | Live                               |
| August                                      |                    | Council Recess                  |                        |                                    |